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APPLICATION OF

**ROBERT A. WINNEY d/b/a
THE WATERWORKS COMPANY OF
FRANKLIN COUNTY**

CASE NO. PUE000093

To change rates and charges

HEARING EXAMINER'S RULING

May 23, 2000

On May 19, 2000, the Commission Staff, by counsel, filed a Motion to Dismiss the application of Robert A. Winney d/b/a The Waterworks Company of Franklin County ("the Company"). In support of the motion, the Staff states that the Company was directed by the Commission's April 14, 2000, Order for Notice and Hearing, to mail notice to its customers and local officials by May 3, 2000. The Order further directed the Company to file with the Commission a certificate of the mailing on or before May 10, 2000. The Commission Staff has received no correspondence from the Company which indicates that copies of the Order were mailed to customers and local officials.

The Staff opposes establishing a new hearing schedule and notice requirements. Staff argues that the Company, in prior proceedings, has ignored the notice requirements and has failed to make refunds or credits as ordered by the Commission. Staff argues that a dismissal is warranted to protect the public interest.

I find the Company should be given an opportunity to respond to the Commission Staff Motion to Dismiss. Accordingly,

IT IS DIRECTED that the Company may file any response to the Commission Staff Motion to Dismiss, on or before June 8, 2000.

Alexander F. Skirpan, Jr.
Hearing Examiner